

REMARKS

This amendment is submitted concurrently with a Request for Continued Examination (RCE) and a petition for two month extension. Upon entry of this amendment, claims 1-3, 8, 9, 12 and 32 remain pending and under consideration. Claims 4-6 and 13-31 have been withdrawn as non-elected.

In the official action, claims 1-3, 8-12 and 32 were rejected under 35 U.S.C. §102(b) as anticipated by Knapp, US 6,270,022. By this amendment, the subject matter of claims 10 and 11 is copied into independent claim 1, essentially placing claim 11 in independent form as claim 1, including the subject matter of the base and intervening claims. The other claims that remain under consideration depend directly or indirectly from claim 1. Applicant has corrected the dependencies of claims 8 and 12.

Knapp does not anticipate the invention defined by claim 1 as amended. Furthermore, there is no basis to conclude that the invention claimed as a whole would have been obvious over Knapp, whether taken alone, or taken together with the other prior art of record and with due regard for the level of ordinary skill.

According to claim 1 as amended, the aerator that generates discrete aeration jets comprises a hub through which air intake takes place from the front face of the jet disk. The hub has at least one radial air conduit in a vicinity of an end thereof that faces an interior of the housing, and the hub has on its exterior essentially axially-arrayed guides for guiding the discrete aerated jets.

It is apparent from these aspects as claimed, that the water jets are directed in a spray direction substantially parallel to an axis, and a hub on the front of the jet disk draws in aeration air through the hub, in a direction opposite from the direction of the spray. The aeration air moves via a radial air conduit in the hub, in the vicinity of an

end of the hub facing the housing (i.e., the rear of the hub in the direction of flow). These aspects are not found in Knapp or in the other prior art of record.

According to the official action, Knapp is relied on for disclosing a shower head having a housing, a jet disk 15 having a front face with numerous apertures 17 from which jets exit, a water inlet 12, and an aerator which generates discrete aeration jets and comprises a hub through which air intake takes place from the front of the disk through apertures 27 and a radial air conduit 19.

In the official action, a hub is mentioned, but no particular part of the Knapp shower head has been identified as the hub or as a structure that is interpreted to disclose a hub. There are several embodiments of shower head disclosed in Knapp, but none of the embodiments meets the subject matter of amended claim 1 as a whole. Knapp lacks a structure forming a hub on a jet disk through which aeration air is drawn.

In Knapp's Figs. 1, the jet disk has apertures 17 and lateral air inlets 19. There is no part identified or identifiable in the embodiment of Knapp's Fig. 1 that might be considered a hub as claimed. If the whole structure of Knapp is considered a hub, then there is no basis to assert that the aeration air is led through the so-called hub in a direction opposite to the spray direction to be distributed at the rear of the hub in the radial direction. Knapp's Fig. 1 does not disclose or suggest a shower head with a hub having the aspects defined in the claims.

Knapp discloses additional embodiments at Figs. 10 and 11. In this embodiment, there is likewise no hub that draws air in a direction opposite from the spray and distributes the air in a radial direction via a passage at the rear of the hub. In Knapp's Figs. 10 and 11, the aerated jets are exclusively provided in an annular ring, raised in an axial direction around the periphery of the shower head. A raised annular ring not only fails to disclose a hub, but reasonably teaches a void, i.e., the logical opposite of a hub, instead of applicant's hub and passages as particularly and distinctly claimed.

According to the teachings and respective embodiments of Knapp, there is a structure disclosed at the front of a shower head of one configuration or another, wherein the jet spray apertures are on a front face oriented toward the spraying direction, and aeration air is admitted laterally by openings 19. The openings 19 may be considered to extend in a radial direction but the openings 19 do not emerge from the rear part of a hub that draws in aeration air in a direction opposite to the spray direction.

A "hub" is known and defined as the central part of a typically circular object. It is not possible even with respect to Knapp's Figs. 10 and 11 to consider that the structure containing apertures 14, or apertures 17, or the whole structure containing the apertures 14 and 17, could be regarded as a hub. Even if it is so regarded, the prior art does not meet additional aspects of the invention as particularly claimed. The prior art does not meet the invention as claimed as a whole.

By this amendment, applicant has amended claim 1 to recite the aspect of original claim 11 that the hub has on its exterior essentially axially arranged guides that guide the discrete aerated jets. Even assuming that the official action is correct to assert that the hub-less shower head structure in Knapp's Fig. 1 (namely the whole thing) is a "hub," and even assuming that the centrally-depressed annular aerator shower head structure in Knapp's Fig. 11 is construed to define a hub (or perhaps as an anti-hub void might be argued to suggest a hub to a person of ordinary skill), there is absolutely no basis to find that the hub or anti-hub as thereby defined has any exterior portion associated with guiding the water that is sprayed. Knapp does not disclose the invention claimed as a whole. There is no reasoned or reasonable basis to conclude that the prior art as represented by Knapp and the level of ordinary skill are such that the invention claimed as a whole would have been obvious.

Furthermore, the other prior art references of record in addition to Knapp, including Gonzalez (5,111,994), O'Hare (3,796,377), Aghnides (3,633,824) likewise fail to meet or routinely to lead to the invention defined by claim 1 as a whole. Although one might posit that one part or another or a whole shower head structure in one or

more of the prior art references might be considered to be a hub or to resemble a hub, there is no conglomeration of disclosed aspects, and no predictably successful alteration of aspects, that would meet the invention particularly and distinctly defined by claim 1 as a whole. Therefore, claim 1 as amended, and claims 2-3, 8, 9, 12 and 32, depending from claim 1, are properly patentable as now presented. Reconsideration and allowance are requested.

A number of claims that were withdrawn from consideration have not been canceled, pending allowance of a generic claim. Applicant requests rejoinder of the non-elected claims together with allowance of claim 1.

Respectfully submitted,

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